



S.A.No.1562 of 2004

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1562 of 2004

and

C.M.P.No.12222 of 2004

Kadavoor Panchayat Union,
Rep., by its Commissioner,
Tharagampatti Taluk,
Karur District.

... Appellant/1st Respondent/
1st Defendant

Vs.

1.Maria Susai

... 1st Respondent/Appellant/
Plaintiff

2.Project Officer,
District Rural Development Agency,
Room No.22, Collectorate, Karur,
Karur District.

... 2nd Respondent/2nd Respondent/
2nd Defendant

3.Government of Tamilnadu,
Rep., by its District Collector,
Karur.

... 3rd Respondent/3rd Respondent/
3rd Defendant

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 30.12.2003 passed in A.S.No.31 of 2003 on



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the file of the Sub-Court, Kullithalai, modifying the judgment and decree dated 23.07.2003 passed in O.S.No.125 of 2000 on the file of the District Munsif Court, Kullithalai.

For Appellant : No appearance

For Respondents : No appearance

JUDGMENT

This second appeal is filed by the appellant aggrieved by the reversing judgment passed in A.S.No.31 of 2003 on the file of the Court of the Subordinate Judge, Kullithalai.

2. Respondents No.2 and 3 are reported as not necessary parties to the second appeal being the co-defendants of the appellant. Further, a memo dated 29th August, 2007 *vide* USR No.2604 was filed intimating about the death of Respondent No.1/plaintiff. In spite of the same, no steps have been taken as on date to bring on record the LRs of deceased Respondent No.1/plaintiff. Further, when the matter was listed on 08.02.2024, there was no representation for the appellant. Hence, the same was directed to be listed under the caption 'for dismissal'.



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3. Today, in spite of the matter being listed under the caption 'for dismissal', no representation for the appellant. Further, the appeal already abated consequent upon the death of Respondent No.1 as early as on 23.10.2006. In the circumstances, this Court is left with no other option, except to dismiss the second appeal.

4. Accordingly, this Second Appeal is dismissed for non-prosecution as well as on the ground of abatement. However, there shall be no order as to costs. Consequently, connected miscellaneous petition, if any, shall stand closed.

09.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR



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MUMMINENI SUDHEER KUMAR, J.

ABR

To

- 1.The Subordinate Judge,
Kullithalai.
- 2.The District Munsif,
Kullithalai.
- 3.The Project Officer,
District Rural Development Agency,
Room No.22, Collectorate, Karur,
Karur District.
- 4.The District Collector,
Karur.

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